

**FACT SHEET ADDENDUM FOR THE STATE OF WASHINGTON
CONSTRUCTION STORMWATER GENERAL PERMIT**

**NPDES AND STATE WASTE DISCHARGE GENERAL PERMIT FOR
DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY**

DRAFT PERMIT MODIFICATION

**State of Washington
Department of Ecology**

December 21, 2016

Permit Modification

The Washington State Department of Ecology (Ecology) is modifying the Construction Stormwater General Permit (CSWGP) as a result of an appeal filed on November 21, 2015. The permit is a joint National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit that was issued November 18, 2015. The permit will expire December 31, 2020. This addendum supplements the July 1, 2015 Fact Sheet available at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>.

The permit authorizes stormwater discharges, as well as a limited number of non-stormwater discharges, associated with construction activities. Construction activity refers to clearing, grading, excavating, and other land-disturbing activities that result in the disturbance of one or more acres, as well as disturbance of less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb one acre or more. The proposed CSWGP modification limits the discharge of pollutants to surface waters under the authority of the Federal Water Pollution Control Act (U.S.C.S. 1251) and limits the discharge of pollutants to surface and ground water under the authority of Chapter 90.48 RCW.

An appeal settlement was reached that included proposed changes to dust control (S1.C.3.i), pH sampling requirements (S4.D), engineering calculation requirements (S9.B.1.f), and concrete washout (S9.D.9.h). In addition, guidance was proposed to clarify coverage of offsite areas (S1.B.1.a) and Low Impact Development (LID) facilities (S9.D.9.13).

Summary of permit modifications

Ecology removed language (~~striketrough~~) from select sections in the permit and added language (underlined) as follows:

S1. Permit Coverage

Ecology added language (underlined) to clarify that potable water is an authorized non-stormwater discharge to control dust.

S1. PERMIT COVERAGE

C. Authorized Discharges

3. *Non-Stormwater Discharges*

- i. Uncontaminated or potable water used to control dust. Permittees must minimize the amount of dust control water used.

S4. Monitoring Requirements, Benchmarks, and Reporting Triggers

Ecology removed language (~~striketrough~~) and added language (underlined) regarding significant concrete work and pH monitoring requirements.

S4. MONITORING REQUIREMENTS, BENCHMARKS, AND REPORTING TRIGGERS

D. pH Sampling Requirements – Significant Concrete Work or Engineered Soils

If construction activity results in the disturbance of 1 acre or more, **and** involves significant concrete work (significant concrete work means greater than 1000 cubic yards poured concrete or recycled concrete used over the life of a project) or the use of ~~reeycled concrete~~ or engineered soils (soil amendments including but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash), and stormwater from the affected area drains to surface waters of the State or to a storm sewer system that drains to surface waters of the State, the Permittee must conduct pH sampling as set forth below. Note: In addition, discharges to segments of water bodies on Washington State's 303(d) list (Category 5) for high pH are subject to a numeric effluent limit for pH; refer to Special Condition S8.

2. For sites with recycled concrete where monitoring is required, the Permittee must begin the weekly pH sampling period when the recycled concrete is first exposed to precipitation and must continue until the recycled concrete is fully stabilized with the ~~and~~ stormwater pH is in the range of 6.5 to 8.5 (su).

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If construction activity results in the disturbance of 1 acre or more, and involves significant concrete work (1,000 cubic yards of poured concrete or recycled concrete over the life of a project) or the use of ~~reeycled concrete~~ or engineered soils (soil amendments including but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash), and stormwater from the affected area drains to surface waters of the State or to a storm sewer stormwater collection system that drains to other surface waters of the State, the Permittee must conduct pH sampling in accordance with Special Condition S4.D.

S9. Stormwater Pollution Prevention Plan

Ecology added language (underlined) regarding inclusion of engineering calculations in the Stormwater Pollution Prevention Plan (SWPPP). Ecology also removed language (~~strickethrough~~) and added language (underlined) regarding concrete washout requirements.

S9. STORMWATER POLLUTION PREVENTION PLAN

B. General Requirements

1. The SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP narrative must include documentation to explain and justify the pollution prevention decisions made for the project. Documentation must include:
 - f. Engineering calculations for ponds, treatment systems, and any other designed structures. When a treatment system requires engineering calculations, these calculations must be included in the SWPPP. Engineering calculations do not

need to be included in the SWPPP for treatment systems that do not require such calculations.

D. SWPPP – Narrative Contents and Requirements

9. Control Pollutants

- h. Assure that washout of concrete trucks is performed off-site or in designated concrete washout areas only. Do not wash out concrete trucks ~~drums or concrete handling equipment~~ onto the ground, or into storm drains, open ditches, streets, or streams. Do not dump excess concrete on site, except in designated concrete washout areas. Concrete spillage or concrete discharge directly to groundwater or to surface waters of the State is prohibited. Do not wash out to formed areas awaiting LID facilities.

Rationale for the Permit Modification

Modification to S1.C.3.i clarifies that potable water may be used to control dust when Permittees minimize the amount of dust control water used. Dust control water is applied in quantities to control dust and the discharge of dust control water to surface waters of the State is not typical.

The modification to S4.D reinstates the previous permits definition of significant concrete work in which greater than 1,000 cubic yards poured concrete or recycled concrete used over the life of the project requires pH monitoring.

To demonstrate that a treatment system was designed to the specified design criteria, the engineering calculations must be included in the SWPPP. When no calculations are required, none need to be included. The modification to S9.B.1.f clarifies when engineering calculations must be included in the SWPPP for treatment systems.

The modification to S9.D.9.h aligns with BMP C154: Concrete Washout Area that requires concrete washout be performed in designated areas only. The upland disposal of limited concrete washout must not be to the ground, or into storm drains, open ditches, streets, or streams. The discharge of concrete washout to an LID facility has the potential to alter infiltration capabilities and functionality of the LID BMP and is therefore prohibited.

Proposed Guidance

No changes are proposed to the operators required to seek coverage under the permit (S1.B.1.a) or the SWPPP requirements for Low Impact Development (S9.D.13); however, the appeal resulted in guidance development to clarify these Special Conditions. The guidance will be posted to the CSWGP website:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>

Coverage of offsite areas under Special Condition S1.B.1.a.

The determination of total disturbed acreage for the purposes of permit coverage must include off-site acreage that will be disturbed as a direct result of the construction project and will discharge stormwater. For example, off-site equipment staging yards, material storage areas, borrow areas, and parking areas as indicated in S1.C.2. Off-site acreage does not have to be included for the purposes of determining total acreage disturbed if it is covered under a separate permit coverage for any stormwater discharge.

Protection of Low Impact Development (LID) facilities under Special Condition S9.D.13.

LID BMPs may be used to manage construction stormwater during construction; however, LID BMPs that will be used post construction (permanent facilities) must be restored to fully functioning condition. This includes, if necessary, the removal of sediment and replacing the removed soils with soils meeting the design specification. In addition, infiltration rates must be maintained or restored to meet post construction LID design criteria.

APPENDIX A - PUBLIC INVOLVEMENT INFORMATION

Ecology will modify the Construction Stormwater General Permit for construction activities as identified in **General Condition G4, General Permit Modification and Revocation**. The proposed permit modifications will revoke and replace the current permit for those modified sections only.

Ecology publishes a Public Notice of Draft (PNOD) to inform the public that the proposed permit modification and fact sheet addendum are available for review and comment. Ecology will publish the PNOD on December 21, 2016, in the Washington State Register and on the Ecology web site (below). The PNOD informs the public that the proposed permit modification and fact sheet addendum are available for review and comment.

REQUESTING COPIES OF THE DRAFT PERMIT MODIFICATION

You may download copies of the proposed general permit modification, fact sheet addendum, and application from the website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction>. Or you may request copies from: Dena Jaskar at dena.jaskar@ecy.wa.gov or (360) 407-6401.

SUBMITTING WRITTEN AND ORAL COMMENTS

Ecology will accept written comments on the proposed Construction Stormwater General Permit modification, Fact Sheet Addendum, and related documents from **December 21, 2016 through February 10, 2017 at 11:59 pm**; written comments must be postmarked or e-mailed no later than **11:59 pm February 10, 2017**. Comments will only be accepted for modified sections of the permit at this time. Ecology prefers comments be submitted by email to cswgpcgeneral@ecy.wa.gov.

Submit written, hard copy comments to:

Amy Moon
Washington State Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

Interested parties may also provide oral comments by testifying at the public hearing.

PUBLIC WORKSHOP AND HEARING

A workshop and public hearing on the permit modification will be held as an online webinar at **1:00 pm, on February 6, 2017**. The online webinar for the workshop and public hearing will allow interested parties to participate via telephone or telephone and internet connection. The purpose of the workshop is to explain the proposed modification to the permit and answer questions prior to the public hearing. A public hearing will follow immediately after the workshop and will provide an opportunity for interested parties to give formal oral testimony and comment on the draft permit modification. Webinar registration information for the workshop and public hearing is available online on Ecology's Construction Stormwater General Permit website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>

ISSUING THE PERMIT

After Ecology receives and considers all public comments, it will issue the final permit modification and a response to comments. Ecology expects to issue the final permit modification on March 22, 2017 with an effective date of May 5, 2017.

Further information may be obtained by contacting Amy Moon at Ecology, by phone at (360) 407-6467, by email amy.moon@ecy.wa.gov, or by writing to Ecology's Olympia address listed above.